

Federal Reserve Bank of San Francisco
101 Market Street, San Francisco, California 94105

July 14, 2011

To State Member Banks, Bank
Holding Companies, Financial Holding
Companies, and Foreign Bank Offices
in the Twelfth Federal Reserve District

Dodd-Frank Wall Street Reform and Consumer Protection Act – Regulations CC

This circular is provided to advise management of a provision in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) of 2010 that becomes effective July 21, 2011. Specifically, Section 1086 of the Dodd-Frank Act amends the Expedited Funds Availability Act (EFAA) implemented by Regulation CC. The Dodd-Frank Act amends the EFAA to require depository institutions to make the first \$200 of funds deposited by certain check(s)¹ into an account available for withdrawal on the business day after the banking day that a deposit is received. Currently, depository institutions must make the first \$100 available on the business day after such a deposit.

The statutory change takes effect on July 21, 2011, even in the absence of final regulations. Therefore, unless a depository institution already provides next-day availability for certain checks, by July 21, 2011, it should:

- Amend its practice to ensure that the first \$200 of funds deposited by certain check(s) into an account will be available on the business day after the banking day that the deposit is made,
- Amend required notices and disclosures (initial and subsequent) to indicate that the first \$200 of funds deposited by certain check(s) into an account will be available on the business day after deposit, and
- Provide affected customers a change-of-terms notice no later than 30 days after the depository institution implements the change.

Depository institutions should make the appropriate changes to their practices, policies, and disclosures as necessary to comply with the statute by July 21, 2011, even if the changes to Regulation CC have not been adopted by that date.

Additional Information

All circulars and documents are available on the Internet through the Federal Reserve Bank of San Francisco's website, at <http://www.frbsf.org/banking/letters>.

For additional information, please contact:

Federal Reserve Bank of San Francisco
Banking Supervision and Regulation
(801) 322-7853

Attachment:

[Proposal to Amend Regulation CC](#)

¹ "Certain checks" means a check or checks not subject to next-day availability after deposit on any one banking day. See 12 CFR 229.10(c).